

dB34

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

James Reynolds HENSHAW et al.

Group Art Unit: 2859

Application No.: 09/721,880

Examiner: Y. Guadalupe

Filed: November 27, 2000

Docket No.: 107979

For: MEASUREMENT APPARATUS INCLUDING A TRACK FOR A MEASUREMENT  
SCALE AND APPARATUS FOR TENSIONING THE SCALE

15/Suppl  
Response  
f. Waller  
9-26-02

SUPPLEMENTAL REMARKS

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

RECEIVED  
SEP 23 2002  
TECHNOLOGY CENTER 2800

Sir:

Further to the Amendment filed July 29, 2002, reconsideration of the application is requested in view of the following remarks.

Applicants wish to thank Examiners Guadalupe and Gutierrez for the courtesies extended to the Applicants' representative during the personal interview conducted August 27, 2002. The substance of the interview is incorporated herein.

During the personal interview, Examiners Guadalupe and Gutierrez indicated that the Applicants may overcome the applied reference (U.S. Patent No. 5,826,346 to Reilly) by providing support for the Applicant's contention that the term "readhead" is a common term that is well known within the art. Attached herewith are ten separate references which incorporate the term "readhead", or describe individually devices that incorporate "readhead". These references were located at various websites on the internet. While only ten references have been provided, there are other numerous websites which also include the term "readhead", thus providing evidence that the term "readhead" is in fact, a common term in the art.

While none of the attached references provide an explicit definition of the term "readhead", the Applicants submit that a "readhead" is essentially a device which reads the elements of a scale and produces an output. It is submitted that support for this definition may be gleaned from the attached references based on the context in which the term "readhead" is used, as well the descriptions of the various devices in which a "readhead" is incorporated. As such, based upon the attached references wherein the term "readhead" is consistently used within the art, it is submitted that the term "readhead" is a common term that is well known in the art. It is further submitted that the simple arm 24 of Reilly, which serves as an indicating device relative to the graduated scale 60 to establish distances (column 4, lines 9-11), cannot be considered the "readhead" of the claimed invention.

In view of the foregoing, reconsideration of the application is requested. It is submitted that the claims as presented in the July 29, 2002 Amendment patentably distinguish over the applied references. Accordingly, allowance of claims 19-30 is respectfully solicited.

Should the Examiner believe that anything further is desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorneys at the telephone number listed below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Patrick O. O'Leary  
Registration No. 51,035

RECEIVED  
SEP 23 2002  
TECHNOLOGY CENTER 2800

JAO/POO:kxm

Enclosures:  
10 References

Date: September 20, 2002

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--